

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROY ALLOWAY,
Defendant.

CASE NO CR11-5233 RBL
ORDER REGARDING
SENTENCING PROCEDURE

THIS MATTER comes before the Court on Defendant's conviction, and the Court having set JANUARY 20, 2012 at ^{1:30 PM}~~9:30 AM~~ for sentencing, it is hereby

ORDERED

At least six (6) days prior to the Sentencing Hearing, Counsel shall inform the probation officer and the courtroom deputy, Jean Boring at (253)882-3823, whether or not an evidentiary hearing will be necessary at the sentencing and, if so, whether witnesses will be called, who they will be, and an estimated length of the hearing

1. A presentence report is to be prepared by the U.S. Probation Department.
2. Not less than thirty-five (35) days before the sentencing hearing, the United States probation officer shall furnish the presentence report to the defendant, the defendant's counsel and the attorney for the government. Within fourteen (14) days after receiving the presentence report, the parties shall communicate in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. After receiving objections, the probation officer may require the defendant, the defendant's counsel, and the attorney for the Government to meet with the probation officer to discuss

1 unresolved factual and legal issues. The probation officer may also conduct a further
2 investigation and revise the presentence report as appropriate.

3 Not less than seven (7) days before the sentencing hearing, the probation officer shall
4 submit the presentence report, as revised, together with any addendum, setting forth any
5 unresolved objections, the grounds for those objections, and the probation officer's
6 comments on the objections and the sentencing recommendations, to the Court, the
7 defendant, the defendant's counsel and the attorney for the Government.

8 3. If the Government intends to file a § 5K1.1 motion for substantial assistance, the
9 motion must be served on all counsel and filed under seal fourteen (14) days prior to
10 sentencing. In such event, the Government must also serve and file under seal a written
11 statement of the nature and extent of the defendant's cooperation. Any motion under §
12 5K1.1 and the supporting written statement must also be provided to the probation officer
13 who has prepared the presentence report. If the Government files a § 5K1.1 motion
14 requesting that the Court depart from the Guidelines, the defendant may file, in response,
15 his or her version of the defendant's cooperation. Any such response by the defendant must
16 be filed at least six (6) court days prior to sentencing and may be included in the defendant's
17 sentencing memorandum.

18 4. In the event the defendant wishes to provide a written statement accepting
19 responsibility, the statement should be signed by the defendant. The original should be
20 provided to the United States Probation Office with a copy to the United States Attorney at
21 least fourteen (14) days prior to sentencing.

22 5. Counsel for the United States or for a defendant shall serve copies of any
23 sentencing memorandum or related documents upon all other parties and upon the United
24 States Probation Office at least six (6) court days prior to sentencing.

25 The Clerk of the Court shall send uncertified copies of this Order to all counsel of record
26 and to the U.S. Probation Office.

DATED this 12th day of October, 2011.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE